

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THURMAN MEARIN and NATHAN RILEY,)	
Plaintiffs,)	
)	
vs.)	Civil Action No. 11-669
)	Judge Fischer/
CARLA SWARTZ, Unit Manager, L-5 Unit)	Magistrate Judge Kelly
Manager PAUL PALYA, LIEUTENANT)	
ROBERT KENNEDY, RHU/Capital Case)	Re: ECF Nos. 75, 80, 89, 94
Lieutenant, sued in their individual and official)	
capacities, and SGT. [FIRST NAME)	
UNKNOWN] OVER, C.O. 1,)	
Defendants.)	

ORDER

AND NOW, this 14th day of May, 2014, after the Plaintiffs, Thurman Mearin and Nathan Riley, filed an action in the above-captioned case, and after the Plaintiffs filed a Motion for Summary Judgment, ECF No. 75, and the remaining Defendants filed a Motion for Summary Judgment, ECF No. 80, and after a Report and Recommendation was filed by the United States Magistrate Judge and the parties were given until May 9, 2014, to file written objections to the Report and Recommendation, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Motion for Summary Judgment filed on behalf of Plaintiffs (ECF No. [75]) is denied, and the Motion for Summary Judgment filed on behalf of the remaining Defendants (ECF No. [80]) is granted.

IT IS FURTHER ORDERED that, in light of this ruling, Plaintiff Mearin's Motion to Obtain Order for Plaintiffs to Have Correspondence Through U.S. Mail Services (ECF No. [89])

and Plaintiff Riley's Motion for Video Conference Hearing (ECF No. [94]) are dismissed as moot.

IT IS FINALLY ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order a notice of appeal, as provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court, at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.

/s/ Nora Barry Fischer
Nora Barry Fischer
United States District Judge

cc: Honorable Maureen P. Kelly
United States Magistrate Judge

Thurman Mearin
AM-8063
SCI Forest
P.O. Box 945
Marienville, PA 16239

Nathan Riley
CT-8571
SCI Greene
175 Progress Drive
Waynesburg, PA 15370

All Counsel of Record via CM/ECF